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CONSEQUENCE MANAGEMENT: A MISSION FOR THE NATIONAL GUARD

BY

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USAWC STRATEGY RESEARCH PROJECT

CONSEQUENCE MANAGEMENT: A MISSION FOR THE NATIONAL

GUARD

by

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ABSTRACT

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There is growing concern of increasing terrorist threats in the United States. Terrorist organizations are gaining increased access to the technology necessary to develop and employ Weapons of Mass Destruction. No single military organization has been assigned responsibility for consequence management. Assigning this responsibility to a single military organization could focus effort and provide civil authorities with a fully coordinated and standardized response to terrorist threats.

National Guard units are trained to respond quickly to domestic emergencies. They have established emergency response relationships with local and state organizations.

Strategically located throughout the U.S., the National Guard can be organized, trained, and structured to assume the Department of Defense lead for consequence management.

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CONSEQUENCE MANAGEMENT: A MISSION FOR THE NATIONAL GUARD

COUNTERTERRORISM STRATEGY

A National Security Strategy For A New Century (May 1997) states that "United States counterterrorism approaches are meantto prevent, disrupt and defeat terrorist operations before they occur, and, if terrorist acts do occur, to respond overwhelmingly, with determined efforts to bring the perpetrators to justice. Our policy to counter international terrorists rests on the following principles: (1) make no concessions to terrorists; (2) bring all pressure to bear on state sponsors of terrorism; (3) fully exploit all available legal mechanisms to punish international terrorists; and (4) help other governments improve their capabilities to combat terrorism."

These policy objectives are clearly stated. This policy of deterrence has been effective during the Cold War period and the immediate post Cold War period. However, the threat of terrorism in the U.S. has posed increasingly serious risks to our national security. We must continue to strengthen our ability to effectively deter and preempt terrorist acts in the United States. There must be no question that the U.S. government will take every means available to deal swiftly and if need be,

lethally with terrorists and their sponsors. We must ensure that terrorist organizations are well aware that the U.S. government will not hesitate to pursue, apprehend, and prosecute to the full extent of the law those individuals and or sponsors that were responsible.

As effective as our national security policy on counterterrorism has been, it has not reduced our vulnerability to domestic or international terrorism. Critical public infrastructure to a large degree and military installations to a lesser degree remain vulnerable to terrorist attack. Civilian and military personnel in the U.S. cannot be totally protected from all potential terrorist acts using weapons of mass destruction. Yet our national security policy dictates that we provide maximum protection from such acts.

Consequence Management is a response to a terrorist act and includes the protection of public health and safety, restoration of essential services, and emergency relief to all government organizations, businesses, and individuals affected by a terrorist attack in the United States.²

The requirement to improve our capability to manage the effects of a terrorist attack and to prevent terrorists from fully achieving their goals must be a primary objective in our

national security policy. Responding to a terrorist act with a rapid, coordinated, and standardized effort will reduce the overall effects of the attack, minimize damage, prevent additional injury, and reduce the loss of life.

Our National Security Strategy should therefore clearly assign responsibility for military response to assist civilian authorities following a terrorist attack in the United States. Failure of the Department of Defense to assist local agencies in such a situation may significantly weaken our national resolve to maintain a global strategic presence and reduce our capability to shape the international environment. To have the military capability to respond and then to fail to respond, or to respond ineffectively following a terrorist attack in the U.S., would clearly undermine our nation's confidence in its military forces.

To ensure an immediate and effective military response following the terrorists' use of a chemical, biological or nuclear weapon in the United States, we should explicitly assign all military consequence management support responsibilities to the National Guard.

THE THREAT

U.S. citizens are targeted throughout the world by terrorists.³ Terrorist organizations seek shock effect as a means to demonstrate their resolve and to promulgate their objectives. Their use of Weapons of Mass Destruction within U.S. borders would have great shock effect; this threat presents a serious and complex challenge to the U.S. government. Such an attack would dominate the media for an extended period, would provide the terrorist group access to global audiences, and would advance the agenda of their organization. The threat of additional attacks could force a significant change to U.S. security policy. Terrorists could force U.S. leaders to comply with their demands and coerce the U.S. to isolationist policies.

Emerging technologies and increased technical knowledge of nation states and separate organizations, combined with unconstrained accessibility to chemical/biological agents and strategic materials is facilitating construction of and access to powerful weapons. Former, Central Intelligence Agency Director John Deutch has voiced his concern that the threat of a chemical or biological attack in the U.S. "is the most urgent, long term pressing intelligence challenge we face. The materials and expertise necessary to build chemical and biological weapons are

more readily available today than ever before."⁴ Given the circumstances of unpredictable target locations and vulnerability of U.S. civilians to attack, it may only be a matter of time before such an event occurs. We can no longer minimize probability of this type of terrorist act. We must organize and train now to limit the effects of the use of WMD in the United States.

While the incidence of international terrorism has decreased in the last 10 years, falling from a high of 665 incidents in 1987 to 296 in 1996, the current world situation and predicted future world events portend an increased threat of terrorist attack. The Annual Report to the President and the Congress (April 1997) states that the "DoD expects that the majority of terrorism directed against United States targets will be tied to ethnic and religious conflicts. It will be primarily urban in nature, often occurring in capital cities."

Iran, Syria, Libya, Iraq, Sudan, Cuba, and North Korea will continue to pose an international terrorist threat to U.S. interests. Less formally aligned terrorist groups also pose a security threat to the United States. The proliferation of WMD combined with better educated terrorists will increase the

probability of an attack against large population centers or critical public infrastructures.

The domestic terrorist threat is also increasing. Militant anti-government and racist organizations can freely communicate and move throughout the country. Their ability to communicate can foment a wide-spread movement and escalate the possibility of a coordinated terrorist act. The ease of access to civil water supplies, power plants (nuclear), transportation, communication, and financial systems increases the potential for uses of more devastating CBR weapons.

Domestic terrorism thus presents another serious security challenge to the U.S. government.

Emerging criminal organizations, especially drug cartels, will have access to large amounts of currency. With these resources, they could gain access to WMD and or the services/technology needed to develop WMD. With communication links to international and or domestic terrorist organizations, these criminal organizations could further complicate the threat scenario.

An act of terrorism in the United States involving weapons with the capability of producing mass casualties is a definite threat to the National Security of the United States - to the

country's values, its institutions, and its territory.

Terrorists, foreign or domestic, state or nonstate, as well as criminal organizations all have the potential to use WMD against domestic targets.

Consequence management efforts spearheaded by local and state organizations, and supported by quick responding military organizations with local, regional, and national response capabilities will ensure effective response to a WMD attack against the homeland. The Department of Defense must begin to train and equip military organizations to ensure they are prepared and positioned to effectively respond to a conventional, chemical, biological, or nuclear attack. With a clear mandate, priority for funding, additional training, and advanced state of the art Nuclear, Biological and Chemical (NBC) equipment,

LEGAL ASPECTS

According to our Constitution, the National Guard can be assigned this responsibility. Article I, Section 8 specifies that "The Congress shall have Power To provide for calling forth the Militia to execute the Laws of the union, suppress insurrections and repel invasions." A WMD terrorist attack

within the borders of the United States constitutes an invasion against our country. The use of the National Guard to respond to a terrorist act and to be assigned the responsibility for homeland defense clearly falls within our founding fathers' intent.

Furthermore, the Posse Comitatus Act (18 USC 1385) prohibits the use of active Army and Air Force personnel to execute the civil laws of the United States. Department of Defense Directive 5525.5 likewise prohibits such uses of Navy and Marine Corps personnel. The Posse Comitatus Act does not apply to National Guard members not on active duty or on inactive duty for training status. There are other exceptions to the Posse Comitatus Act. But what is important is that National Guard personnel can be immediately placed on duty status to assist local authorities, whereas active component forces require a formal Federal approval process. This organizational process causes an inherent delay to active component response.

Other organizations such as the Federal Bureau of
Investigation have the responsibility to determine the origin of
terrorist devices and to actively apprehend and punish the
perpetrators. Following an incident of this type, the FBI has
the lead in identifying the persons or organization involved;

therefore, it is most concerned with the preservation of on-site evidence. We should likewise assign immediate responsibility for assisting local authorities in isolating the area, identifying the agent, evacuating casualties, decontaminating the site, and conducting search and rescue operations.

Presidential Decision Directive 39 (PDD 39) was written in response to the SARIN gas attack in Japan and the Oklahoma bombing. This document distinguishes between two responsibilities for reponding to catastrophic events: crisis response and consequence management. Consequence management seeks to reduce the effects of a domestic chemical or biological attack. The Federal Emergency Management Agency (FEMA) is currently responsible for consequence management in the United States.

The report of the National Defense Panel (NDP) predicts that "homeland defense will be a much more important mission in the future" for the National Guard. This report recommends that the National Guard provide forces organized and equipped to immediately reinforce local first responders in domestic emergencies and that the National Guard focus on consequence management. The National Guard is able to provide military support to civil authorities. But it will require additional

training to improve the Guard's capability to provide rapid and effective response following a terrorist attack.

Another NDP recommendation calls for establishment of an "Americas Command." This command would be responsible for the ocean and air approaches to the United States. Its primary mission would be to defend the Americas from all threats, to deter the use of WMD in the U.S., and to foster cooperation among the Nations of the continent. 11 Within this Americas Command would be a Homeland Defense Command which would be created to augment consequence management actions against terrorist acts. This Homeland Defense Command could be assigned to the National Guard. To observe our Constitution and to best conserve federal resources, assignment of this mission to the National Guard in the next 5-7 years would enhance the national security of the United States. Assigning consequence management to the National Guard will improve or nation's capability to effectively respond to terrorist attacks.

The U.S. armed forces has the greatest capability to assist state and local authorities to effectively deal with the consequence of WMD use. Early recognition of chemical or biological use is an important factor in the overall recovery effort. An on-site military organization trained and equipped to

provide immediate and reliable assessments will be a key to successful recovery operations and to reduce the number of casualties. The DoD, through the National Guard, should be assigned the lead in the mission of consequence management. The DoD should then initiate a smooth transition to a National Guard structured Homeland Defense Command.

NATIONAL GUARD CAPABILITIES

With over 3,000 Army National Guard units in 2,721 communities, and over 1,000 Air National Guard units in 130 communities, the National Guard is positioned to provide the first military responders within our borders. As a state asset, National Guard personnel are available at the call of their respective governors; Guard personnel can be quickly assembled to respond to a disaster. We have always had this capability to activate National Guard personnel on State Active Duty Status. The new requirement would focus on creating and maintaining a Homeland Defense Command in the National Guard, subordinate to the proposed Americas Command.

A Homeland Defense Command mission would be to ensure that fully trained, equipped, and task-organized contingency forces

are strategically positioned in the United States. These organizations would provide immediate support to civil authorities following domestic emergencies within the United States; they would also conduct counterdrug operations. National Guard consequence management forces should be tiered by response capabilities based on actual requirements, or tailored as requested by the civilian authority.

All military personnel have received NBC training. But additional training should be provided for the National Guard response teams to improve individual proficiency to operate specialized equipment in contaminated urban terrain. Guard personnel should be trained to identify and preserve bomb-making and other criminal evidence in support of the FBI's mission. Additional training in search and rescue operations, casualty evacuation and decontamination of personnel, equipment and terrain will also be necessary.

Availability of Air and Army National Guard aviation assets in the U.S. enables the National Guard to provide rapid air transportation of personnel and equipment to affected areas.

This ability to quickly relocate regional and national response teams is a significant capability for consequence management response.

National Guard Regulation 500-1 defines Military Support to
Civil Authority (MSCA) as "Those activities and measures taken by
the Department of Defense, to include Army and Air National
Guard, to foster mutual assistance and support between the
Department of Defense and any civil government agency in planning
or preparing for, or in the application of resources in response
to the consequences of civil emergencies or attacks including
national security emergencies." In preparation for such missions,
Guard forces should institutionalize a set of pre-planned and
coordinated contingencies in response to terrorist acts.
National Guard forces will then be the first military forces in
support of the civilian stabilization effort.

Forces assigned as regional or national response forces may be later committed if the Governor requests additional support.

A declaration of a federal disaster will allow the use of active duty Title 10 personnel and provide federal funding to support the recovery operation. This declaration also obviates the Posse Comitatus Act's prohibition against the use of military forces in enforcement of civil laws.

As military forces continue to be downsized due to diminishing defense resources, active component forces should concentrate on core combat tasks. Active duty units will be hard

pressed to add non-combat missions to their already full plate of requirements. Assigning active forces the responsibility to assist local government agencies in consequence management requirements would further degrade their combat capability and may result in decreased morale. It could as well adversely affect retention rates.

FEDERAL SUPPORT

The Federal Emergency Management Agency is the Federal lead agency for domestic disasters. The Federal Response Plan outlines the federal government's role in providing disaster assistance. The plan describes the 12 Emergency Support Functions (ESF) established to organize the most probable response actions that a State would require following a major disaster. Responsibility for each ESF is assigned to a primary government department or agency.

Through the Robert T. Swafford Disaster Relief and Emergency
Assistance Act, FEMA has been authorized to provide assistance to
local and state governments following a presidentially declared
emergency. Following an assessment of the support needed, FEMA
notifies the responsible federal departments and agencies to
activate the appropriate number of required ESFs. At the

disaster site, the ESF lead agency coordinates support requests with its functional counterparts at the local or state level.

Actual response operations are conducted only after verified requests are approved for action by the Federal Coordinating Officer. Additional support, if required, may be requested from the regional headquarters. Despite such contingency planning, federal regulations and procedures can be time-consuming.

The Marine Corps Chemical and Biological Incident Response

Force 13 (CBIRF) was organized to place chemical and biological attack response under a single organization. As designed, the organization provides command and control, security, reconnaissance, detection, and decontamination support at an incident site. It also has the capability to communicate with military and civilian medical and chemical organizations to accelerate the identification of the agent and the development of an antidote. But the CBIRF has some limitations: delayed reaction time because of the Posse Comitatus and FEMA requirements; time required to mobilize and deploy to the area; and lack of an established working relationship with the civilian lead agency.

The Army's mirror support organization for chemical and biological support was created by the U.S. Army Chemical and

Biological Defense Command. The Chemical and Biological Quick
Reaction Force (CBQRF) was organized to be able to deploy in
support of the federal lead agency following a domestic chemical
or biological emergency. The limitations of the CBIRF also apply
to this active component response team.

TRAINING OF FIRST RESPONDERS

Training to provide local and state first responders with the ability to operate in a contaminated environment following a terrorist incident is critical to the success of the military's consequence management mission. Standardization of training for police, fire, and paramedic personnel is essential to ensure a coordinated military effort in time of crisis. Without a standardized training program, the application of tierd military response may be ad hoc, which could waste valuable time and other critical resources.

Specially trained and equipped medical teams in major hospitals in our capital cities would also enhance the recovery operation and reduce casualty levels. The Federal government currently offers various programs to train agencies in responding to a WMD attack. 14 Courses are provided by the Department of

Education, Defense Special Weapons Agency, U.S. Army Chemical School, U.S. Army Medical Research Institute of Infectious Disease, and the National Interagency Counterdrug Institute.

Such training courses are tailored to provide basic response capability for identified first responders. By design the domestic preparedness program has developed a train-the-trainers program. Qualified trainers are then embedded in the existing local organizations. ¹⁵

Public Law 104-201 also established a National Response

Center (NRC) with the capability to provide expert consequence
management advice via a hotline. The NRC, located in Washington,
D.C., can be accessed by local, state or federal agencies
requiring assistance. This law also required that the Secretary
of Defense "develop and maintain at least one domestic terrorism
rapid response team composed of members of the armed forces and
employees of the Department of Defense who are capable of aiding
Federal, State and local officials in the detection,
neutralization, containment and disposal of WMD containing
chemical, biological or related materials." The Army's CBQRF
was developed to accomplish this mission.

This layering of capabilities within the DoD has created divergent response networks. A single government agency assigned

the responsibility of consequence management will ensure a coordinated effort and prevent interoperability issues during the development of support equipment. This organization would also ensure interagency communication and standardization of response capability.

One hundred and twenty cities have been identified to receive government provided domestic preparedness training in the United States. The Office of Special Operations/Low Intensity

Conflict has developed a plan to spend \$49.5 million in fiscal year 1998 and \$52.1 million in fiscal year 1999. Almost \$53 million dollars was spent in fiscal year 1997 for domestic preparedness equipment.

NATIONAL GUARD RESPONSE TEAMS

An ideally organized National Guard response team would be a dedicated full-time force in each state. Current full-time manning resources and other funding constraints make this option unrealistic, if not impossible. The personnel or units selected for response teams should be assigned from the available resources within the state. However, a reaction team of this size and capability cannot be developed without additional training time beyond the individual's unit training requirements.

As with active component forces, Guard units have no spare time for conducting this type of additional training without degrading a unit's readiness to perform its federal mission. The National Guard's primary federal mission must continue to be the ability to conduct combat, combat support, and combat service support operations during combat contingencies. A more viable option would be to slightly increase the full-time manning level in each state, thereby providing the required support with primarily full-time personnel.

The USMC CBIRF could serve as a model for National Guard reaction forces. The CBIRF could also assist in the initial training and evaluation of National Guard response teams. This state of the art force can also function as a national response team to terrorist acts in the U.S.

All the U.S. Army Chemical Brigades are currently assigned to the U.S. Army Reserve (USAR). Reassignment of these organizations to the Army National Guard will improve the capability of the Army National Guard to provide regional response teams. These NBC units could also be tasked to conduct training and evaluation of NBC response teams and civilian first responders in their assigned region.

Full-time technician personnel assigned to maintenance activities would be an ideal pool of consequence management response personnel. Their technical skills would facilitate their operation of sensitive electronic sensing equipment and decontamination apparatus. The majority of Army Aviation Support Facilities are manned at 50 percent of authorized levels due to National Guard funding constraints. Increasing the full-time manning levels of Air and Army Guard aviation maintenance facilities will improve aircraft readiness rates and improve availability of aviation resources during periods of mobilization. The increased readiness rates will also ensure availability of aircraft to support transportation requirements for regional and or national consequence management response teams.

Embedding the specialized consequence management training into the full-time force will reduce training and retraining requirements. Full-time personnel have the highest retention rates. Full-time personnel are traditionally the most experienced soldiers in their units; they are likewise normally assigned to key leadership positions. Assignment of experienced soldiers to the response team will improve the capability of the unit.

Prior to committing these reaction teams, our civilian leadership must understand that all DoD personnel will remain under the command and control of a military authority. command and control concerns have already been effectively addressed in many states. Each State Area Command (STARC) Headquarters assigns a Plans, Operations and Military Support Officer (POMSO) the responsibility for planning MSCA missions and allocating resources for civil support. In the State of Hawaii, for example, The Adjutant General (TAG) is assigned the additional responsibility of Director of the State Civil Defense. Hawaii's TAG thus assumes responsibility for all civil defense planning and oversees the execution of these plans in event of natural or manmade disaster. TAGs are designated as senior emergency response officials in 20 States and the Virgin Islands. All remaining states have comparable mechanisms to effect immediate National Guard response to a natural disaster. legislation should be enacted to clearly assign the responsibility of consequence management to each TAG.

CONCLUSION

The National Security Strategy on counterterrorism focuses on deterrence. The Strategy requires close

coordination between the Departments of State, Justice,

Defense, Treasury, Transportation and the Central Intelligence

Agency. Cooperation from other governments and international

organizations is also essential to its success.

There is growing concern about the increasing transnational and domestic terrorist threat against the United States. As the only remaining superpower, the military threat against U.S. interests could logically shift to terrorist acts. The most serious threat to the U.S. is the use of some type of weapon of mass destruction (WMD) against a civilian target.

Biological, Chemical, and Nuclear weapons technology is readily available to international and domestic terrorist groups. Total defense against a terrorist attack within the borders of the U.S. or its territories will remain extremely difficult, if not nearly impossible to achieve.

As a nation with global vital interests, it remains essential that the U.S. retain the ability to provide leadership, stability, and security around the world. A terrorist group may be able to threaten our ability to shape the world environment by employing a WMD against critical civilian infrastructure in the United States. This attack and

threats of additional attacks could weaken our national resolve to maintain a global presence and force U.S. military forces to focus on protecting U.S. citizens on U.S. soil.

Several agencies have been assigned responsibilities to develop responses to terrorist attacks. The Federal Emergency Management Agency has been assigned as the lead agency for consequence management within the United States. 19 As the federal lead agency, it is assigned the responsibilities for developing, exercising, and maintaining the Federal Response Plan, as well as implementing the federal response at the national level. The Federal Response Plan provides the framework for coordinating civil-military requirements between Primary Emergency Support Function (ESF) agencies and military support agencies.

The Department of Defense has the most diverse capability to respond to an attack or catastrophic disaster in the United States. The DoD is designated as the primary federal agency for Public Works and Engineering, and Urban Search and Rescue. The DoD is also assigned as a major support agency in the other 10 ESF functions.²⁰

A single DoD organization should be assigned the overall responsibility for military response to WMD attacks in order to

focus DoD effort, standardize support capabilities between organizations, and provide interagency coordination. The goal of this lead DoD agency would be to establish a strategic concept for the planning, execution, and sustainment of all military units assigned to support consequence management activities.

This organization must also be able to provide the critical link between responsible government departments and should be further organized to evaluate state, local, and military training levels.

Assigning the National Guard responsibility to train and equip forces to respond to major terrorist attacks in the U.S. will strengthen our national security strategy, will provide a responsible and cost-effective means of responding to a potential threat, and will allow active component forces to focus their capability and training on mission essential combat tasks.

Assigning the Homeland Defense Command to the National Guard in the next 5-7 years is a logical and cost-effective method to address this problem. The benefits of a single military lead agency to centralize the DoD homeland defense effort will be a significant improvement over the current process. Reorganization of USAR chemical units into the Army National Guard and strategically locating them in the U.S. will further improve the

National Guard's capability to organize regional and national response teams. It will conserve limited NBC resources as well.

Regardless of the difficulty and complexity of this issue, a coordinated and comprehensive approach to this problem is required. National Guard units currently provide civilian agencies with a diverse and effective military response capability and can be readily organized and structured to assume the added responsibility of consequence management and homeland defense.

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